

PTO/SB/30 (09-04)

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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/828,413
Filing Date	April 6, 2001
First Named Inventor	Robert H. DeBellis
Art Unit	1651
Examiner Name	S. Saucier
Attorney Docket Number	0575/59469/JPW/AJM/MVM

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

- b. ☐ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a. ☐ Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

- b. ☒ Check in the amount of \$ 395.00 _____ enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	October 18, 2004
Name (Print/Type)	Alan J. Morrison	Registration No.	37,399

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	October 18, 2004
Name (Print/Type)	Alan J. Morrison (Reg. No. 37,399)		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Dkt. 59469/JPW/AJM/MVM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert H. DeBellis and Bernard F. Erlanger
Serial No.: 09/828,413 Examiner: S. Saucier
Filed: April 6, 2001 Art Unit: 1651
For: METHODS OF TREATING SICKLE CELL DISEASE

1185 Avenue of the Americas
New York, New York 10036
October 18, 2004

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. §1.114

Applicants hereby submit this request for continued examination ("RCE") in connection with the above-identified patent application. Pursuant to 37 C.F.R. §1.114(a), prior to abandonment of the application, an applicant may file an RCE of an application including the fee set forth in 37 C.F.R. §1.17(e) so as to request continued examination of the application.

On July 12, 2004, applicants submitted an Amendment in Response to February 12, 2004 Final Office Action and Petition For Two-Month Extension of Time to the United States Patent and Trademark Office ("USPTO") in connection with the subject application. On August 12, 2004, applicants filed a Notice of Appeal along with a Petition For An Additional One-Month Extension of Time. The Notice of Appeal was received by the USPTO on August 16, 2004. Applicants attach hereto as Exhibit A a copy of the return postcard stamped with the date August 16, 2004 by the Office of Initial Patent Examination ("OIPE")

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Filed: April 6, 2001
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of the USPTO. Therefore, an appeal brief was due on October 16, 2004. However, since October 16, 2004 was a Saturday, a response on the next succeeding day which is not a Saturday, Sunday or Federal holiday, i.e. Monday, October 18, 2004, is considered timely under 37 C.F.R. §1.7. In lieu of filing an appeal brief, applicants are filing an RCE. Accordingly, this RCE is being timely filed.

On August 9, 2004, an Advisory Action was issued by the USPTO in connection with the subject application. In the Advisory Action, the Examiner stated that applicants' July 12, 2004 Amendment would not be entered because it raises new issues that would require further consideration and/or search.

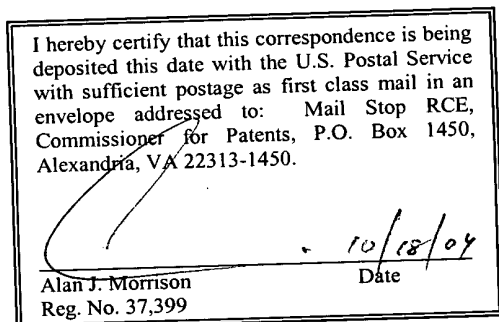
In response, applicants submit the attached RCE and respectfully request that the Examiner enter and consider the July 12, 2004 Amendment previously submitted in connection with the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee, other than the enclosed \$395.00 RCE filing fee, is deemed necessary in connection with the filing of this RCE. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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Applicant Robert H. DeBellis and Bernard F. Erlanger
Client Columbia (0575) File No. 59469 Atty. JPW/AJM/MVM
Date August 12, 2004

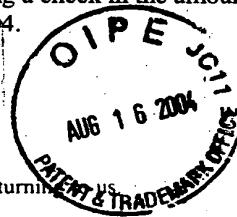
Kindly acknowledge receipt of the accompanying

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO THE BOARD OF
PATENT APPEALS AND INTERFERENCE** in connection with Robert H. DeBellis
and Bernard F. Erlanger for METHODS OF TREATING SICKLE CELL DISEASE,
U.S. Serial No. 09/828,413, filed April 6, 2001, including a check in the amount of
\$165.00 and Certificate of Mailing dated August 12, 2004.

Date Due: August 12, 2004

AUG 20

by placing your receiving date stamp hereon and returning



BEST AVAILABLE COPY